
Introduced by Senator SherFebruary 20, 2003

An act to amend Section 4053 of the Business and Professions Code, relating to pharmaceuticals.

LEGISLATIVE COUNSEL'S DIGEST

SB 506, as introduced, Sher. Veterinary food-animal drug retailers.

The Pharmacy Law makes it unlawful for any person other than a pharmacist to compound or dispense a dangerous drug or device, or to compound or dispense a prescription. Existing law provides exemptions from this prohibition for specified persons, including a veterinary food-animal drug retailer under certain circumstances.

This bill would prohibit a veterinary food-animal drug retailer from applying for an exemption to distribute oral or injectable antibiotics.

Because violations of this bill would be a misdemeanor, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4053 of the Business and Professions
- 2 Code is amended to read:



1 4053. (a) Subdivision (a) of Section 4051 shall not apply to
2 a manufacturer, veterinary food-animal drug retailer, or
3 wholesaler if the board shall find that sufficient, qualified
4 supervision is employed by the manufacturer, veterinary
5 food-animal drug retailer, or wholesaler to adequately safeguard
6 and protect the public health, nor shall Section 4051 apply to any
7 laboratory licensed under Section 351 of Title III of the Public
8 Health Service Act (Public Law 78-410).

9 (b) An individual employed by a manufacturer, veterinary
10 food-animal drug retailer, or wholesaler may apply for an
11 exemption from Section 4051. In order to obtain and maintain that
12 exemption, the individual shall meet the following requirements:

13 (1) He or she shall be a high school graduate or possess a
14 general education development equivalent.

15 (2) He or she shall have a minimum of one year of paid work
16 experience related to the distribution or dispensing of dangerous
17 drugs or dangerous devices or meet all of the prerequisites to take
18 the examination required for licensure as a pharmacist by the
19 board.

20 (3) He or she shall complete a training program approved by the
21 board that, at a minimum, addresses each of the following subjects:

22 (A) Knowledge and understanding of state and federal law
23 relating to the distribution of dangerous drugs and dangerous
24 devices.

25 (B) Knowledge and understanding of state and federal law
26 relating to the distribution of controlled substances.

27 (C) Knowledge and understanding of quality control systems.

28 (D) Knowledge and understanding of the United States
29 Pharmacopoeia standards relating to the safe storage and handling
30 of drugs.

31 (E) Knowledge and understanding of prescription
32 terminology, abbreviations, dosages and format.

33 (4) The board may, by regulation, require training programs to
34 include additional material.

35 (5) The board may, by regulation, require training programs to
36 include additional material.

37 (6) The board shall not issue a certificate of exemption until the
38 applicant provides proof of completion of the required training to
39 the board.

1 (c) The manufacturer, veterinary food-animal drug retailer, or
2 wholesaler shall not operate without a pharmacist or an individual
3 in possession of a certificate of exemption on its premises.

4 (d) Only a pharmacist or an individual in possession of a
5 certificate of exemption shall prepare and affix the label to
6 veterinary food-animal drugs.

7 *(e) Notwithstanding any other provision of law, a veterinary*
8 *food-animal drug retailer may not apply for an exemption to*
9 *distribute injectable or oral antibiotics.*

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

